

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEATTLE PACIFIC INDUSTRIES, INC.

Plaintiff,

v.

S3 HOLDING LLC and OLIVIA MILLER, INC.

Defendants.

Civil Action No.: 18-cv-224-RSL

JUDGMENT IN A CIVIL ACTION

JUDGMENT SUMMARY

Judgment Creditor: Seattle Pacific Industries, Inc.

Judgment Debtors: S3 Holding LLC and Olivia Miller, Inc.

Principal Judgment Amount: \$308,464.10

Damages (Breach of Contract) ¹	\$160,000.00
Damages (Trademark Infringement) ²	\$ 31,136.00
Costs ³	\$ 5,057.00
Attorney Fees ⁴	\$ 64,615.50
Prejudgment Interest (12% per annum) ⁵	\$ 47,655.60

¹ See Order dated April 10, 2019, page 10. (Dkt. #49)

² *Id.*

³ See Order dated July 8, 2019, page 9. (Dkt. #56)

⁴ See Order dated November 12, 2019, page 3. (Dkt. #59)

⁵ See Order dated April 10, 2019, page 10. (Dkt. #49). This amount includes prejudgment interest from the date the \$160,000 in breach of contract damages became due, May 26, 2017, through November 18, 2019. If judgment is entered on a later date, the daily amount of prejudgment interest that accrues is \$52.60 (calculated as \$160,000 x 0.12 / 365). The period from May 26, 2017 through the date of this filing is 906 days.

1 Post-Judgment Interest Rate
2 Pursuant to 28 U.S.C. § 1961⁶: 1.56%

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6 701 Fifth Ave., Suite 5400
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8 Attorney for Judgment Debtors Scott Zarin
9 S3 Holding LLC and Zarin & Associates, P.C.
10 Olivia Miller, Inc.: 244 West 102nd Street, #3B
11 New York, NY 10025

12 **ORDER**

13 On April 10, 2019 The Court issued an Order (Dkt. #49) granting in part Seattle Pacific
14 Industries, Inc.'s ("SPI") Motion for Summary Judgment. The Court awarded SPI damages for its
15 breach of contract claim in the amount of \$160,000 plus pre-judgment interest at the rate of 12%
16 per annum. SPI was also awarded \$31,136 for actual damages resulting from its trademark
17 infringement claim. The Court invited SPI to submit a fee petition to seek reasonable fees and
18 costs incurred in enforcing its rights under the License Agreement.

19 Plaintiff filed a Motion for Attorneys' Fees and Costs on April 24, 2019 (Dkt. #50). On
20 July 8, 2019 the Court issued an Order Regarding Motion for Attorney's Fees and Costs (Dkt. #56).
21 The Court granted in part Plaintiff's Motion and awarded costs of \$5,057. Defendants were
22 instructed to pay costs of this amount within 20 days of the Order.

23 The Court's July 8th Order also denied in part Plaintiff's Motion for Attorney's Fees and
24 Costs, but provided SPI the opportunity to segregate its fees and submit a revised proposed fee
25 award. Plaintiff's Revised Attorney's Fees Request and Request for Entry of Judgment was filed
26 on July 18, 2019 (Dkt. #57).

27 ⁶ This rate assumes that judgment is entered during the week of November 18, 2019.

1 On November 12, 2019 the Court issued an Order Awarding Attorney's Fees and Costs
2 (Dkt. #59). The Court granted in part Plaintiff's revised request awarding the amount of
3 \$64,615.50 for attorney's fees and ordered that Plaintiff submit a proposed form of judgment.

4 Based on the Court's awards as outlined herein for damages, costs, attorneys' fees, and
5 prejudgment interest, the Principal Judgment Amount is \$308,464.10 (plus \$52.60 per day in
6 prejudgment interest between November 18, 2019 and the date that the Court enters judgment)
7 against Defendants S3 Holding LLC and Olivia Miller, Inc.

8 Now, therefore, the Court, being otherwise fully advised herein,

9 HEREBY ORDERS, ADJUDGES, AND DECREES that Plaintiff Seattle Pacific Industries,
10 Inc. is awarded judgment against Defendants S3 Holding LLC and Olivia Miller, Inc. jointly and
11 severally in the amount of \$308,464.10 (plus \$52.60 per day between November 18, 2019 and the
12 date that the Court enters judgment). Post-judgment interest on the judgment sum shall accrue at
13 the rate of 1.56% from the date of entry hereof.

14
15 IT IS SO ORDERED.

16 DATED this 19th day of November, 2019.

17
18 

19 Robert S. Lasnik
20 United States District Judge

21 *Presented by:*
22 SEED IP Law Group LLP

23 /s/Marc C. Levy
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